

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Defendants.

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05-CV-6585 (HB)  
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**NOTICE OF MOTION**  
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the First Amended Complaint herein on the grounds that (i) the amended complaint fails to state a claim upon which relief may be granted; and (ii) the amended complaint does not allege fraud with particularity as required by Fed. R. Civ. P. Rule 9(b); and granting such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant the Stipulation entered into by the parties, dated November 21, 2005, answering papers, if any, are due on, or before, January 9, 2006.

**PLEASE TAKE FURTHER NOTICE** that, reply papers, if any, are due on, or before, January 16, 2006.

Dated: New York, New York  
December 12, 2005

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